IN THE HON'BLE HIGH COURT OF JUDICATURE

AT BOMBAY, GOA BENCH, AT PORVORIM

P.I.L. Writ Petition No. /2022

People for Animals – Goa …Petitioner

v/s

The Principal Chief Conservator of Forests & Chief Wildlife Warden and Ors. …Respondents

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PLACE: PORVORIM, GOA
DATE: 22nd April 2022

ADVOCATE FOR THE PETITIONER

A

IN THE HON'BLE HIGH COURT OF JUDICATURE

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P.I.L. Writ Petition No. /2022

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v/s

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SYNOPSIS AND CHRONOLOGY OF DATES AND EVENTS

The present petition is filed seeking this Court's urgent intervention in safeguarding the health and welfare of some captive elephants in the State of Goa, located in the farms/ resorts of the Resp. No.s 5 and 6. These elephants were seized by the Chief Wildlife Warden in 2018 from the private Respondents, on grounds of violations of provisions of the Wildlife Protection Act. However, owing to constraints such as a lack of facilities with the Forest Department to house and take care of the elephants, the elephants were permitted to remain with

the private Resorts. In the time period 2019-2020, these elephants continued to be put to commercial use at these Resorts, and owing to the inaction of the State Authorities, the petitioner approached this Hon'ble Court in P.I.L. W.P. 7/2020. Pursuant to assurances given by the private Respondents that no commercial use of the elephants was taking place, this Hon'ble Court disposed of the petition, and directed for an Expert Committee Report on the status of Captive Elephants. This report found the conditions at the farms of the Resps. No. 5 and 6 to be poor for the welfare of the elephants, owing inter alia to ill health of the elephants and inadequate shelter arrangements. Apart from this serious issue of the poor health and conditions of the elephants, the Petitioner was most disturbed to learn that the Respondents No. 5 and 6 have once again resumed commercial use of the captive elephants located at their properties. Despite a complaint made to the Resp. No. 1 in January 2022, no action has been taken to restrain the commercial use of the captive elephants, which has constantly continued till date. Hence this PIL.

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LIST OF DATES AND EVENTS

Sr. No.	Date	Particulars of events or documents if any	Annexure and page
1.	02.02.2016	Hon'ble Supreme Court in W.P. 743/2014 directs that the captive elephants of Goa must not be treated with any form of cruelty.	**Ann. 9,** at pgs 74 - 75
2.	18.12.2018	Resp No. 1 (CWLW) issues Orders to seize the 10 elephants from the spice farm resorts of Resp No. 4 - 6 being in violation of Section 40(2), 42 and 43 of the Wildlife Protection Act, 1971.The elephants are taken into the forest custody and deposited with the Managers of the respective farms to produce as and when required in the proceedings.	**Ann. 3,** at pgs. 35 - 46
3.	2019-2020	Despite complaints from the Petitioner regarding the seized elephants being put to	

		commercial use, no action taken to stop this practice.	
4.	Feb. 2020	P.I.L. W.P. 7/2020 filed by the Petitioner to secure welfare of seized elephants.	
5.	02.11.2020	This Hon'ble Court appoints a Committee headed by Dr. Surendra Varma to look into status of captive elephants in Goa. On the basis of assurances from private resorts that elephants are not being put to commercial use, as well as stand of Ld. A.G. that the Resorts have no right to use the elephants for commercial purposes, this Court disposes P.I.L. W.P. 7/2020.	**Ann. 4,** at pgs. 47 - 56
6.	16.02.2021	Dr. Surendra Varma Committee submits its report on Captive Elephants in Goa.	**Ann. 5**, at pgs. 57 - 60
7.	11.01.2022	Petitioner writes to the P.C.C.F.-C.W.W [*Resp. No. 1*] regarding fresh incidents of elephants	**Ann. 6**, at pgs. 61 - 62

E

		being put to commercial use at the Spice Farms/Resorts of the Resp. No.s 5 and 6.	
8.	07.04.2022	Animal welfare officer Dr. Karlette Ann Fernandes visits the farm of the Resp. No. 5 to verify the situation of the elephants there. Her affidavit confirms the deplorable conditions of the captive elephant put to commercial use.	**Ann. 8**, at pgs. 70 - 73
9.	22.04.2022	Present P.I.L. W.P. is filed	

IN THE HON'BLE HIGH COURT OF JUDICATURE

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P.I.L. Writ Petition No. /2022

People for Animals – Goa …Petitioner

v/s

The Principal Chief Conservator of Forests & Chief Wildlife Warden and Ors. …Respondents

QUESTIONS FOR DETERMINATION

& LIST OF ACTS & AUTHORITIES

1. Whether captive elephants, under the custody of the Forest Department in view of seizure orders passed under provisions of the Wildlife Protection Act, 1972, can be continued to be used for commercial purposes?

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- The Constitution of India, 1950
- The Wildlife Protection Act, 1972
- The Prevention of Cruelty to Animals Act, 1960
- The Performing Animals (Registration) Rules, 2001

Judgements relied upon

- Order of the Hon'ble Supreme Court of India in W.P. 743/2015, *Wildlife Rescue and Rehabilitation Centre and Ors. vs. Union of India & Ors,* dt. 02.02.2016

- Order of this Hon'ble Court in P.I.L. W.P. 7/2020, *People for Animals Goa vs. PCCF/CWW & Ors.*, dt. 02.11.2020

PLACE: PORVORIM, GOA

DATE: 22nd April 2022.

ADVOCATE FOR THE PETITIONER

IN THE HON'BLE HIGH COURT OF JUDICATURE

AT BOMBAY, GOA BENCH, AT PORVORIM

P.I.L. Writ Petition No. /2022

IN THE MATTER OF ARTICLES 14, 21, 48A, 51 A(g) AND 226 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF THE WILDLIFE PROTECTION ACT, 1972

AND

IN THE MATTER OF THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

AND

IN THE MATTER OF THE PERFORMING ANIMALS (REGISTRATION) RULES, 2001

AND

IN THE MATTER OF THE WELFARE AND UPKEEP OF CAPTIVE ELEPHANTS IN GOA

AND

IN THE MATTER OF THE ILLEGAL USE OF CAPTIVE ELEPHANTS FOR COMMERCIAL AND TOURISM PURPOSES

1. **PEOPLE FOR ANIMALS - GOA,**
   through its President Smt. Norma Alvares,
   age 71 years, a Society registered under
   the Societies Registration Act, 1860,
   with Reg. No 46/Goa/99, having office
   at G-8, St. Britto Apartments,
   Feira Alta, Mapusa, 403507, Goa,
   PAN No. – AAAJP0416B,
   Approx. annual income - Rs 10,00,000/-,
   Email id. - pfagoa@gmail.com

…PETITIONER

v/s

1. **THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, & CHIEF WILDLIFE WARDEN**
   (PCCF/CWW) 'Van Bhavan',
   Altinho, Panaji, Goa – 403001.

2. **THE GOA STATE WILDLIFE BOARD,**
   Through its Member Secretary,
   the PCCF/CWW, 'Van Bhavan',
   Altinho, Panaji, Goa – 403001.

3. **THE STATE OF GOA**,
   through its Chief Secretary,
   c/o Secretariat, Porvorim, Goa - 403521.

4. **M/S JUNGLE BOOK RESORT,**
   Bazarwado, Collem,
   Dharbandora, Goa - 403410.

5. **M/S SAHAKARI SPICE FARM,**
   Ponda Belgaum Highway,
   Curti, Ponda, Goa - 403401.

6. **M/S TROPICAL SPICE PLANTATION,**
   H.No. A-14 , Arla Bazar Keri,
   Ponda, Kerim, Goa - 403401.

7. **WILDLIFE RESCUE AND REHABILITATION CENTER (WRRC)**,
   A3, First Floor, Kensington Apartments,
   18/1 Ulsoor Cross Road,
   Off Bazaar Street, Ulsoor,
   Bengaluru - 560083.

...**RESPONDENTS**

(Above addresses are registered addresses of parties)

To,

The Hon'ble Chief Justice

and His Companion Judges,

Bombay High Court at Porvorim, Goa

THIS HUMBLE PETITION OF THE PETITIONER MOST RESPECTFULLY SHOWS AS UNDER

PARTICULARS OF THE CAUSE AGAINST WHICH THIS PIL IS FILED

1. This Petition is filed in public interest for the welfare of captive elephants in Goa which have been seized by the Forest Department in December 2018, but remain in the physical custody of the spice farms/resorts. The Chief Wildlife Warden (Resp No 1) had held the transport of these elephants into Goa and their possession and use by the Respondent spice farms/Resorts to be illegal. The Petitioner had previously approached this Hon'ble Court vide P.I.L. W.P. 7/2020 to restrain the Respondent resorts from using these elephants for any commercial purposes. The P.I.L. W.P. was disposed of after an undertaking to this effect was given to this Hon'ble Court by all

respondent resorts. However, Respondents No. 5 and 6, have once again commenced the use of the elephants for performances and rides to entertain tourists. No action has been taken by the Forest department despite being informed of the same and hence, the Petitioner is constrained to approach this Hon'ble Court once again seeking relief for the elephants from such cruel and illegal practices.

2. Further, the Petitioner submits that the site inspection report of the Expert committee (constituted by this Hon'ble Court in P.I.L. W.P. 7/2020 to examine the health and overall well being of the elephants) - has found several glaring inadequacies and problems with the present upkeep of some of the elephants and has made several pertinent observations and detailed recommendations to develop a long term management plan for all the elephants. Respondent No. 1 has taken no action to implement the recommendations of the committee - even in the case of the three elephants in the custody of Res Nos 5 and 6, where immediate action ws recommended - despite assuring this Hon'ble Court that necessary steps would be taken by the Forest Department to ensure the welfare of these elephants depending on the result of the

inspection. Thus, the elephants continue to languish in terrible living conditions. Hence this PIL.

Particulars of the Petitioner

3. The Petitioner is a registered NGO under the Societies Registration Act, 1860 with Registration Number 27/Goa/99. The Petitioner has previously approached this Hon'ble Court in relation to the commercial use and welfare of captive elephants in Goa vide PIL WP No. 7/2020. The Petitioner has earlier obtained favourable orders from this Hon'ble Court in PILs filed by it to ban bull fights and to stop the killing of stray dogs. The Petitioner has the distinction of being the first animal welfare organisation to be registered in the State of Goa. The Petitioner's registration certificate and resolution are enclosed as **Annexure 1.** Undertaking that the petitioner will disclose the source of information leading to the filing of the PIL is annexed and marked as **Annexure 2.**

Particulars of the Respondents

4. The Respondent No. 1 is the Principal Chief Conservator of Forests and Chief Wildlife Warden for the State of Goa. The Resp. No. 2 is the Goa State Wildlife Board. The Resp. No. 3 is

the State of Goa. The Respondents No. 4, 5 and 6 are private Spice Farms/ Resorts in Goa.

5. The Respondent No 7, Wildlife Rescue and Rehabilitation Centre (WRRC), is a reputed Bangalore based organisation with two decades of experience in wildlife and elephant rescue, care and rehabilitation. WRRC works in close collaboration with the Karnataka Forest Department and has established the Bannerghatta Rehabilitation Centre (BRC), which is a model wildlife Rescue Centre built on land extended by the State Forest Dept. for the purpose. Based on its expertise, and long-standing working relationship with the forest department, WRRC has been handed custody of two captive elephants confiscated from the around the city of Bangalore who are housed in an elephant care facility in Malur, run by WRRC. In addition to this, WRRC is setting up an Elephant Care Facility in Kolar District, that will house captive elephants needing housing, care and treatment, and whose lawful custody has been handed over through permissions from the Karnataka Forest Department.

Declaration of the Petitioner

6. The Petitioner states that this petition is filed by way of public interest and the petitioner does not have any personal interest in the matter.

7. The Petitioner states that the entire litigation costs and other charges is being borne by the petitioner.

8. The Petitioner states that adequate research has been conducted in the matter raised through the petition and all relevant material has been annexed to the petition.

9. The Petitioner states that to the best of their knowledge and research the issues raised in the petition was not dealt with or decided and that a similar or identical petition was not filed earlier by the petitioner on the same matter either in this Hon'ble Court or in the Supreme Court of India.

10. The Petitioner states that this Hon'ble Court has jurisdiction to hear and decide this matter.

11. The Petitioner has understood that if in the course of hearing of this petition, the Court may require any security to be furnished towards costs or any other charges, the petitioner shall comply with such charges.

Facts constituting the cause

12. The Petitioner submits that for some years there were a total of 10 captive elephants in Goa, in the possession of the 3 spice farms/ resorts in South Goa, namely - M/s Jungle Book Resort (5 elephants), M/s Sahakari Spice Farm (3 elephants), and M/s Tropical Spice Plantation (2 elephants).

13. In December, 2018, all 10 elephants were seized by the Resp No. 1(C.W.W.) from the three spice farm resorts belonging to Resp. Nos. 4 - 6 for violation of the provisions of the Wildlife Protection Act, 1972. A copy of the seizure orders dated 18.12.2018 are enclosed as **Annexure 3.** Their physical custody however, remained with the resorts ostensibly as the Forest Department lacks the necessary infrastructure to keep 10 elephants. The Petitioner has no objection to this course of action given the practical and logistical realities involved. However, the Petitioner submits that in such a situation the Forest department is duty bound to remain vigilant and regularly monitor the wellbeing and welfare of the ten elephants, and to ensure that no commercial use is made of the elephants whatsoever.

14. Despite the seizure orders, the respondent resorts continued to use the elephants for commercial purposes (rides for tourists etc.), including their use at weddings and religious functions in different parts of the State. Hence the Petitioner approached this Hon'ble Court vide PIL WP No. 7/2020 in public interest for the overall welfare of 10 elephants. The PIL WP sought relief for these captive elephants from being compelled to perform and entertain tourists and people in general, both within and outside the premises they are currently held captive at. The Petitioner also sought an inspection of the elephants by a committee led by an Elephant Expert.

15. Vide order dated 02.11.2020, this Hon'ble Court appointed a committee to inspect the elephants led by Dr. Surendra Varma, Senior Scientist, Asian Elephant Research & Conservation Programme. This Hon'ble Court noted that "depending upon the result of the inspection, we are assured that the State Forest Authorities will take necessary steps to ensure the welfare of these elephants". By the same order, this Hon'ble Court recorded a statement made by the learned Advocate General that the respondent resorts have no right to use these elephants for commercial purposes, and also recorded categorical statements made by the counsel for

the Respondent Spice Farms that the elephants will not be used for any commercial purposes. Based on these assurances this Hon'ble Court disposed of the PIL WP. A copy of the order dated 02.11.2020 is enclosed as **Annexure 4.**

16. The Petitioner submits that shortly after the disposal of the petition, Dr. Surendra Varma, along with the two research assistants and one senior veterinary expert who he brought along with him, carried out a detailed and intensive inspection of all the elephants in the three spice farms, for three days / nights, from 9th to 11th December 2020. He subsequently submitted a detailed report in February 2021 titled "**Captive Elephants in Goa: The Past and Future**" to the Goa Forest Dept. Petitioner understands that a soft copy of the report was also shared with the Respondent Spice Farms. Petitioner craves leave to produce the full report, if necessary, as and when required. However, the relevant extract from the report pertaining to the 'Recommendations' is enclosed as **Annexure 5.**

17. During the inspection it was brought to the notice of the committee that one elephant each at the spice farms of Respondent 5 and 6 had expired, reportedly because of old age / ill-health and that a baby elephant was born in the spice farm of

Respondent No. 4. This places the total number of elephants presently in captivity in Goa at nine.

18. The Dr. Surendra Varma report clearly sought better living conditions for all the elephants in Goa but more particularly for the elephants at the premises of the Resp Nos 5 and 6 which were found to be severely deficient both in their living amenities as well as the upkeep of the elephants therein, while the farm of Resp No 4 was found to be more organized and providing facilities such as shelter, food, water, free range facility etc.

19. With respect to the solitary elephant at M/s Sahakari Spice Farm (Resp No 5), the report observes:

(i) Sahakari has a **poor** rating of welfare because of inadequate shelter type, water source, no opportunity for interaction; occurrence of stereotypical behaviour, no foraging opportunity, used for unnatural work type and health status maintenance through blood/urine/dung sampling was absent.

(ii) The makeshift shelter is not wide enough for the elephant (*Janimani*) to move around. Her movement is restricted to a 4X4 m area, as her

hind legs are chained with a rope for 19 hours a day. She is obese, has cracks on the nails of her hind legs, swelling of the abdomen - these are all visible warning signs of bad health. There is no facility for her to drink water voluntarily. She has to wait for the mahout to bring her a waterpipe.

(iii) ***Janimani*** **is in solitary confinement and intensely lonely. She needs to be with other elephants in a herd. Given her current status, and lack of good welfare measures available at the current location, she needs to be relocated and integrated with elephants from Jungle Book or Tropical Farm.**

20. With respect to the two elephants at M/s Tropical Spice Plantation (Resp No 6) the report observes:

(i) The male is sheltered in an area of 12X9 m, but a rope tied on three sides restricted its movement to 5X9 m. The female is allowed to interact with the male for 5 hours a day during activities such as walking and bathing. Continuously standing in the same place for 19 hours a day might lead to poor psychological wellbeing as also musculoskeletal disorders and arthritis. Overall welfare rating is **poor**; because of shelter and substrate type in shelter, male elephant was hobbled, both elephants

exhibited stereotypy, were not allowed to forage and records were not maintained.

(ii) Using the large space available with this farm, it is recommended to convert the entire elephant holding facility into a large pen, with elephants freely socializing and living in it, without being chained/tied to a rope all the time.

21. With respect to the 6 elephants at the Jungle Book (Resp No 4) the report observed that compared to the other two farms, this farm appeared to be more organised, providing facilities such as shelter, food, water, means to free range etc. Petitioner is therefore not seeking any reliefs at present against the Resp No 4, but has joined the Jungle Book as a respondent so that it is aware of the proceedings in this petition and the long term plans of the Forest Dept to rehabilitate the elephants as per the recommendations of the Dr. Surendra Verma Committee.

22. The long-term recommendations of the Dr. Surendra Varma Committee are as follows:

"The State Forest Department is recommended to develop a long-term management plan that

would guarantee safe and permanent welfare arrangements for the elephants. In the long term, the Forest Dept needs to develop a centre with necessary facilities so that all the elephants can be moved to a permanent location. The current custodians, welfare personnel, elephant scientists, responsible citizens and conservationists are to be considered as the support group and stakeholders for this arrangement."

23. Petitioner submits that as a responsible organisation interested in the welfare of the elephants, it has made efforts to assist the Forest Department to implement the recommendations of the Dr. Surendra Varma Committee. Petitioner has suggested that the State consider joint sector undertakings, with partnership between the forest department and expert agencies, such as are functioning successfully in Uttar Pradesh and Haryana (with Wildlife SOS). To this end, petitioner got in touch with Wildlife Rescue and Rehabilitation Centre (Respondent No. 7), a reputed Bangalore based organisation, with two decades of experience in wildlife and elephant rescue, care and rehabilitation, in case the Forest Dept is interested to collaborate with the WRRC.

24. Petitioner learns that the WRRC has expressed interest in setting up an Elephant Care Facility (ECF) in Goa as a joint sector undertaking with the Forest department. Some representatives from WRRC have had meetings with the Forest department, attempts to identify suitable land as a site for a new ECF have been made, and WRRC has submitted an official "Expression of Interest" to enter into an MoU to run and manage an Elephant Care Facility with the Forest Department.

25. However, these long-term remedies will undoubtedly take time to fructify. In the meanwhile the three elephants in need of urgent relief not only continue to remain in their same circumstances with the Resp Nos 5 and 6 Spice Farms, but the owners of the Resp Nos. 5 and 6 farms, have resumed the use of the elephants for commercial purposes i.e for joy rides, trunk bathing etc.

26. Petitioner was deeply distressed to learn via telephonic complaints received from locals and tourists that with the opening of the tourist season in Goa the Respondents Nos 5 and 6 have commenced elephant rides and trunk bathing for tourists, using the three elephants in their custody. By an email dated January 11th 2022,

the petitioner drew this to the attention of the Resp No 1 and requested him to take steps to stop commercial use of elephants at these two farms. Copy of the email of the Petitioner dated 11th January 2022 is enclosed herewith as **Annexure 6**.

27. However, from a range of pictures uploaded by tourists on their public social media accounts in the last month directly from Sahakari and Tropical Spice Farms, it can be seen that all three elephants are being used for rides and trunk baths. Clearly, the Resp No. 1 has not taken any action to stop the commercial use of the three elephants at these two farms. Copy of some recent pictures of tourists riding elephants and also enjoying a trunk bath are enclosed as **Annexure 7 Colly.**

28. The Petitioner states that Dr. Karlette Ann Fernandes, an animal welfare officer and veterinarian based in Goa, recently, on April 7th, 2022, visited the Sahakari Spice Farm (Respondent No 5) in order to verify the situation on ground. As per her Affidavit dated 21.04.2022:

    a. Elephant Janimani, (also referred to as Tejal), was used for rides by tourists.

b. The mahouts were charging Rs. 700 per person for a ride of 10 minutes.
c. The spice farm had many visitors and it can be assumed that many will opt for the elephant rides, in which case, Janimani may be giving rides for anywhere between 20-50 tourists in a single day.
d. The elephant looked obese, had no ready access to water, she had an open abscess, her nails were cracked and she was made to walk the tourists on the tar road, even in the noon sun.
e. The elephant looked visibly stressed and on an earlier round she had to be forced to continue with shouts and prodding and hits by a bamboo pole.

Copy of the Affidavit of Dr Karlette Ann Fernandes dt. 21.04.2022 is enclosed herewith as **Annexure 8.**

29. The Petitioner submits that the long term welfare of the elephants which involves enabling the elephants to live a natural way of life to the extent possible, can only begin if the arrangements for at least the three elephants in the custody of Respondents Nos. 5 and 6 are drastically altered. Petitioner is aware that both these respondents have difficulty in managing

the costs of maintenance and upkeep of the elephants. The Forest Dept also does not provide financial assistance to any of the farms for the upkeep of the elephants that are seized by the Forest Dept. However, lack of resources cannot be a justification to exploit the elephants. It is imperative therefore that Respondent No. 1 takes over the daily upkeep and management of the three elephants from Respondents Nos. 5 and 6.

30. Petitioner is aware that there will be serious financial costs on the Forest Dept to all of a sudden have to maintain the three elephants presently in the custody of Resp Nos 5 and 6. Fortunately however, the WRRC (Respondent No. 7) has expressed willingness to financially and technically support the cost, care, upkeep and management of these three elephants (having poor welfare record) for a period of two years, until the Forest Dept can make appropriate arrangements for an Elephant Care Facility. The WRRC has suggested that the three elephants be cared for at the farm of the Respondent No. 6 itself i.e at Tropical Spice Farm. Apparently, since the death of one of its female elephants in 2020, the Tropical Spice Farm has a spare elephant shed where elephant *Janimani* can be relocated, which will end her isolation. This arrangement may continue for an interim period

of at least two years, during which time all three elephants will be cared for jointly by Respondents Nos. 1 and 7 in accordance with the recommendations of the Dr. Surendra Verma expert committee. It is possible for the Resp No 1 to formulate a long term plan during this period to rehabilitate these three elephants and secure their future. It is for this reason that the petitioner has joined the WRRC as a respondent in this petition.

31. The Petitioner submits that considering the forest department is not taking any steps to rescue and rehabilitate at least the three elephants that continue to be exploited for commercial purposes despite a seizure order, leaves the petitioner with no other remedy but to approach this Hon'ble Court again for implementation of the recommendations made in the Expert Committee Report.

GROUNDS

32. The Petitioner therefore approaches this Hon'ble Court on the following grounds, among others:-

a) Elephants are categorized as Schedule I animals under the WLPA and are recognised as a National Heritage Animal.

The CWLW, after conducting a detailed investigation, has issued orders under provisions of Section 40(2), 42 and 43 of the WLPA to seize the 10 elephants that were in the possession of Resp Nos 4-6. However, despite the seizure of the elephants, the authority has been unable to ensure that the elephants are not subject to cruelty and commercial use.

b) The elephants are currently being used to entertain tourists by performing tricks that they have been trained to do using physical and barbaric means. They are poked and prodded with hooked sticks in order to make them subservient and comply with commands. The constant barrage of tourists who come to see these animals keeps them working and performing through the day with little or no break.

c) By an order dated 02.02.2016 in Writ Petition No. 743 of 2014, the Hon'ble Supreme Court has directed that the captive elephants of Goa must not be treated with any form of cruelty. Copy of the Hon'ble Supreme Court's order dt 02.02.2016 is at **Annexure 9.**

d) The Prevention of Cruelty to Animals Act further states that no person shall exhibit or train any performing animal unless he is registered in accordance with the provisions of this Chapter. Section 26 lays down the penalty and states if any person not being registered under this chapter, exhibits or trains any performing animal; he shall be punishable on conviction with fine which may extend to five hundred rupees or with imprisonment which may extend to three months, or with both. No penalties whatsoever have been imposed upon the Respondents who continue to violate the law with impunity.

e) Respondent no. 1 has taken cognisance of the fact the Resp nos. 4-6 have been in illegal possession of the elephants and are using them for commercial purposes. However, even after seizing the animals the respondent has not continued to monitor the welfare of the elephants or ensure that the commercial use of the elephants is stopped.

f) The elephants, once seized, are the responsibility of the Forest Department. It is wholly unjustifiable that the Forest

Department is unable to ensure that the animals in its custody are not subject to cruelty and are not used in violation of the law.

g) This Hon'ble Court had been assured that depending on the outcome of the inspection, necessary steps would be taken to ensure the welfare of the ten captive elephants. The Expert committee's inspection has found grave and important inadequacies and shortcomings in the living conditions of the elephants in the custody of Resp Nos 5 and 6. Further, the committee has given several pertinent recommendations to improve the overall welfare of the elephants that are in the legal possession of the Forest Department. The Forest Department is thus duty bound to implement these recommendations.

h) Such other and further grounds that may be urged at the time of hearing.

33. In the above circumstances, the Petitioner has no other alternate remedy but to file the present PIL petition. The Petitioner states that under the facts and circumstances, if this Hon'ble Court grants the prayers then there would be complete justice

to the Petitioner and to the society at large which it represents in public interest.

34. That the copies of the documents annexed to this petition are the true copies of the originals. The Petitioner craves leave to produce compilation of relevant documents if and when required.

35. The specified court fee of Rs. 250/ is paid herewith.

Source of Information

36. The Petitioner is relying on information received from independent investigations and news reports as cited.

Nature and extent of injury

37. Captive elephants in the possession of the Respondents No. 5 and 6 are put to commercial use and subjected to cruelty, and are forced to live in conditions adversely affecting their health and well being, in gross violation of the orders of this Court and the Hon'ble Supreme Court, as well as statutory provisions.

Representations made

38. The Petitioner brought to the notice of the Resp. No. 1 the fact of captive elephants being put to commercial use by the Resp. No.s 5 and 6, by

way of an email dt. 11.01.2022 [enclosed at **Annexure 6**].

Delay, if any in filing the petition

39. There is no delay in filing this petition.

Caveat

40. No notice has been received of lodging a caveat by the opposite parties.

Reliefs prayed for

41. The Petitioner is therefore approaching this Hon'ble Court for the following reliefs, among others:

a) For an order directing the Respondent No. 1 to set up an Elephant Care Facility as recommended by the Dr. Surendra Verma Expert Committee for the permanent welfare of the elephants seized by the Forest Department.

b) For an order directing the Respondent No. 1 to physically take into its custody the three elephants with Respondents

Nos. 5 and 6 and relocate them at a temporary Elephant Care Facility;

In the alternative,

c) for an order directing Respondent No. 1 to physically seize the solitary elephant Janimani from the Resp No 5 and relocate her at the farm of Respondent No. 6 in the spare elephant shed and make appropriate arrangements to provide care to her;

and

d) for an order directing Respondent No. 1 to make arrangements to improve the living conditions of the two elephants stationed in the farm of the Resp No. 6 as per the recommendations of the Dr. Surendra Varma Committee Report.

e) For an order directing Respondent No. 1 to submit a management plan for long term upkeep of the elephants in Goa as per the recommendations of the Dr. Surendra Varma Committee Report;

f) For costs of this petition;

g) Any other relief this Hon'ble Court may be pleased to grant in the facts and circumstances of this case.

INTERIM RELIEF

h) Pending final hearing of this petition for an order directing Respondents 5 and 6 to stop forthwith the use of the elephants in their farms for any commercial purpose, including but not limited to tourist rides, trunk baths, processions or parades;

i) Pending final hearing of this petition for an order directing Respondents No. 1 to physically seize the solitary elephant Janimani from the farm of the Respondent No. 5 and relocate her with the two elephants at Respondent No. 6 farm in the spare elephant shed and provide for her care and upkeep.

For the above reliefs the petitioner is truly grateful.

Place: Porvorim, Goa

Date:- 21st April 2022

Petitioner

IN THE HON'BLE HIGH COURT OF JUDICATURE

AT BOMBAY, GOA BENCH, AT PORVORIM

P.I.L. W.P. No. /2022

People for Animals – Goa …Petitioner

v/s

The Principal Chief Conservator of Forests & Chief Wildlife Warden and Ors. …Respondents

AFFIDAVIT IN SUPPORT OF THE PETITION

I, Norma Alvares, Indian National, President of the Petitioner organization above named, do solemnly state on oath as under:

1. I say that I have today filed a Writ Petition in public interest for the reliefs sought therein, which has been prepared under the instructions of the Petitioner.

2. I state that there is no personal gain, private motive or oblique reason in filing the PIL.

3. The petitioner is ready to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous consideration or that it lacks bonafides.

4. The petitioner shall disclose the source of its information, leading to the filing of the PIL, if and when called upon by the Court to do so.

5. That the contents of paragraphs 1(p), 2(p), 3-11, 12(p), 13-25, 26(p), 27, 28(p), 29(p), 30(p), 32(p), 33-40 of the accompanying petition are correct and true are true to the best of my knowledge and information collected by me from the Departments of Government and official gazettes / website / internet which I believe to be true, and the contents of paras 1(p), 2(p), 12(p), 26(p), 28(p), 29(p), 30(p), 31, 32(p), and 41 are my submissions made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

6. I say that the documents annexed are true copies of their originals.

Solemnly affirmed at Porvorim, Goa,
this the 21st Day of April 2022

Deponent

ANNEXURE 1

CERTIFICATE OF REGISTRATION

(*See* Rule 5)

(The Societies Registration Act, 1860)

(Central Act 21 of 1860)

Registered No. 46 /Goa/ 99

It is certified that the Society " PEOPLE FOR ANIMALS-GOA " ___

_____ has this day been duly registered

under the Societies Registration Act, 1860 (Central Act 21 of 1860).

Given under my hand this day of 12th March 1999.

(P. V. S. SARDESSAI)
DISTRICT REGISTRAR
AND
HEAD OF NOTARY SERVICES
(INSPECTOR GENERAL-BY ORDER)

Govt. Ptg. Press, Panaji-Goa — 688/10,000 — 9/1996

Registration renewed till 11-06-2015
Dated 20-06-2011

Inspector General of Societies/
/District Registrar (North Goa)
By Order

20/6/2011

Office of Inspector General of Societies
उत्तर गोवा, पणजी
North Goa, Panaji

Registration renewed till 11-06-2020
Dated 07-10-2015

Inspector General of Societies/
/District Registrar (North Goa)
By Order

7/10/2015

Office of Inspector General of Societies
उत्तर गोवा, पणजी
North Goa, Panaji

Registration renewed till 11-06-2025
Dated 11-09-2020

Inspector General of Societies/
/District Registrar (North Goa)
By Order

11/09/2020

Office of Inspector General of Societies
संस्था महानिरिक्षकाचे कार्यालय
उत्तर गोवा, पणजी
North Goa, Panaji

People for Animals – Goa
Society Registration No.46/Goa/99
Recognised by Animal Welfare Board of India and Government of Goa as Animal Welfare Organization.
Registered Address: G-8, St Britto's Apartments, Feira Alta, Mapusa 403 507 Goa, India. Tel.: 2256479
Animal Shelters : ► Shantinagar, Vasco. Tel.: 2532514. ► Curti, Ponda. Tel.: 3207920

Resolution for People for Animals – Goa

(Passed on 27/ 07 / 2021)

True Copy

It is hereby resolved to authorise the President, Smt. Norma Alvares, to approach appropriate judicial fora including the Hon'ble High Court of Bombay at Goa, in respect of matters for the furtherance of animal welfare, AND sign petitions and documents in relation thereto.

Certified Copy

Lakshmi Gonsalves

Secretary

ANNEXURE 2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH, AT PORVORIM

P.I.L. Writ Petition No. /2022

People for Animals – Goa …Petitioner

v/s

The Principal Chief Conservator of Forests & Chief Wildlife Warden and Ors. …Respondents

UNDERTAKING IN SUPPORT OF THE PETITION

I, Norma Alvares, Indian National, President of the Petitioner organization above named, undertake that I will disclose the source of information leading to the filing of this Public Interest Litigation if and when called upon by the Court to do so.

Place: Porvorim, Goa

Date: 21.04.2022 Petitioner

ANNEXURE 3

[Typed copy at pgs. **41 - 46**]

SEIZURE MEMO

Today on 15/12/2018 at about 13.45 hrs in the presence of the following witnesses namely

1. (Name of the witness) Shri Abdul Kader Yasin son of Mohammed Kader Yasin resident of Bazarwada Collem Goa (addresses of the witnesses)

2. (Name of the witness) Shri Mario Misquita son of Paulo Misquita resident Vina Salutte Goa address of the witnesses from Colem (place) _____ from the possession of Elephant

a) (Name of the accused) Shri Sunil S. Gaonkar son of Sopan Gaonkar resident of C/o manager Rengle Boole Resort. Colem.

b) (Name of the accused) _____ son of _____ resident of _____

The following Wildlife articles have been recovered and seized vide this seizure memo

The seized items and their respective description are as under:-

1. Rekha (female) Elephant MIC NO. 9560000045 29159
2. Sujata (female) Elephant MIC NO 9560000045 29114
3. Manik (male) Elephant MIC NO 961001000002966
4. Montora (female) Elephant MIC NO 961001000001085
5. Armol (male) Elephant MIC NO. 9560000045 29144

Name and Signature of Seizing /Investigating Officer

ROUND FORESTER

Thumb Impression /Signature of the accused

Name and Signature of the Witnesses

1. Shri Abdul K. Yasin
2. Shri Mario Misquita

G.F. Collem

Before us.

Seizure Panchanamy

Today dated 15th December 2018 at 13.45 hrs at Bazarwada Colem, Collem Range of North Goa division Search the premise of Shri Joseph Barretto Bearing Sy.no 58/5 of Colem Village named "Jungle Book Resort" in presence of the manager of Jungle Book Resort Shri Sunil Gaonkar with witness

1. Shri Abdul Kadar R/o Bazarwada Collem Goa
2. Shri Mario Mesquita R/o Verna Salcette Goa

and seized five captive Elephant which are in Violation of Section 40(2), 42 and 43 of Wildlife (P) Act, 1972 which are/have been taken into the forest Custody under Section 50(1)(c) of W.L (P) Act, 1972 and further deposited with the manager Shri Sunil Gaonkar on Surety Bond with the Condition To take safe Custody of five captive Elephant 1) Rekha (female) (2) Sujata (female) (3) Manik (male) (4) Montasa (female) (5) Asmal (male) and will produce Before the Chief Wildlife Warden/Authorised Officer/Range forest officer, Collem Range as and when Required By till the final inquiry of the case

Before us

Yelm

Witness

1) (Abdul Kadar)

2) Mario Mesquita

(Sunil Gaonkar)
Manager Jungle Book Resort
P.O.A of Shri Joseph Barretto

SEIZURE REPORT

1. Place:- Near Sahakari Spice farm Curti Sy. No:- ~~[illegible]~~ 76 Village:- Curti Taluka:- Ponda
   Date:- 18/12/2018.
2. R.O.C. No:- 18/RFO/PON/2018-19 dt. 18/12/2018.

3. Ground for seizure:- Violation of wild life protection Act. 1972

4. Acts and Sections:- wild life protection Act. 1972 Sec 40(2), Sec (42), Sec 43.

5. Person from whom seized:- Shri Balaknath Gangnath Maharaj @ Baban Gangaram Shinde and Shri Bhagawan Gangaram Shinde R/o. At Post Ravalgao Tal Malegao Dist. Nashik Maharashtra.

6. Witness:- 1) Shri Tulshidas R. Safarkar s/o. Shri Ramkrishna Safarka R/o Amarkhane Querim.

2) Shri Ranganath M. Kuncolienkar. S/o. Shri Mahader. Kuncolrenkar s/o. Kuncolem Mardol Goa.

7. Action taken:- 2 Animals (Elephant) are seized and kept in possession with one zonimoni female Elephat with Shri Bhagwan Gangaram Shinde & other female name Lukhimala with Balaknath Gangnath Maharaj @ Shri Baban Gangaram Shinde.

Than above mentioned 2 female Elephant were seized in accordance with the provisions of the law in the presence of the above said witnesses and copy of the seizure form was given to the person from whom seized.

The following 2 female Elephant. were seized ~~and seized~~ before the above witnesses and signature of these witnesses has been obtained ~~on the~~ packet attached.

Sr. No.	Name of Animal	Male / female.
1.	Zonimoni	female.
2.	Lukhimala.	female.

Witness – 1 Shri Tulshidas R. Safarkar.

Signature

Witness – 2 Shri Ranganath. M. Kuncolienkar

Signature of the Investigation Officer

Name:- Hanumant T. Desai

Rank:- Round forester Ponda

Signature

SEIZURE MEMO

Today on (date) 18/12/2018 at about (time) 4.00 Pm. in the presence of the following witnesses namely

1. (Names of the witness) Shri Tulshidas R. Satarkar
   Son of Shri Ramkrishna Satarkar. resident of Amarkhane Querim.
   (address of the witnesses)

1. (Names of the witness) Shri Ranganath M. Kuncolienkar.
   Son of Shri Mahadev Kuncolienkar resident of Kuncoliem Mardol. Goa.
   (address of the witnesses from _____
   (Place) _____ from the possession of

a) (Name of the accused) Shri Balaknath Ganganath Maharaj son of Shri Bahan Gangaram Shinde. resident of At Post Ravalgao Taluka Malegao Dist. Nashik Maharashtra.

b) (Name of the accused) Shri Bhagwan Shinde. son of Gangaram Shinde. resident of At Post Ravalgao Taluka Malegao Dist. Nasik Maharashtra.

The following Wildlife articles have been recovered and seized vide this seizure memo.

The seized items and their respective description are as under:-

2 Animals Elephant.

1. Zonimoni female.
2. Lukhimala female.
3.

Name and Signature

Of seizing / Investigating Officer

Thumb Impression / Signature

Of the accused

Name and Signature of the Witnesses

1 Shri Tulshidas R. Satarkar.

2 Shri Ranganath M. Kuncolienkar.

Hanumant F. Dessa
Round forester Ponda

SEIZURE REPORT

1. Place:- Arla Querim Sy. No:- 149/3. Village:- Querim Taluka:- Ponda.
   Date:- 18/12/2018.
2. R.O.C. No:- 17/RFO/PON/2018-19 dt. 18/12/2018.
3. Ground for seizure:- Violation wild life protection Act. 1972
4. Acts and Sections:- Wild life protection Act. 1972, Sec. 40(2), sec(42) & sec
5. Person from whom seized:- Shri Rohidas Baburao ~~Sat~~ Satarkar.
   r/o. H.NO. A-14 Arla Queri Ponda.
6. Witness:- 1) Shri Tulshidas. R. Satarkar. r/o. Amarkhane Querim.

   2) Shri Ranganath M. Kuncolienkar. r/o. Kuncoliem. Mardol. Goa.

7. Action taken:- 3 Animals (Elephant) are seized. and kept in possesion with Shri Rohidas Baburao. Satarkar. r/o H.NO. A-14 Arla Querim Ponda

Than above mentioned Elephant (3 nos.) were seized in accordance with the provisions of the law in the presence of the above said witnesses and copy of the seizure form was given to the person from whom seized.

The following Animal Elephant 3 nos. were seized ~~and sealed~~ before the above witnesses and signature of these witnesses has been obtained ~~on the packet attached~~.

Sr. No.	Name of Animal	Male/female.
1.	Babu	male.
2.	(Laxmi kumari) @ Laxmi kumari.	female.
3.	Mani ki @ chauchal	female

Witness - 1 Shri Tulshidas R. Satarkar. (Accusant)

Signature

Witness - 2 Shri Ranganath M. Kuncolienkar

Signature of the Investigation Officer

Name:- Hanumant F. Desseri

Rank:- Round-forester Ponda

Signature

40

SEIZURE MEMO

on (date) 18/12/2018 at about (time) 11.00 hrs. in the presence of the following witnesses namely

1. (Names of the witness) Shri Tulshidas R. Satarkar.
Son of Shri Ramkrishna Satarkar resident of Amarkhane Querim.
(address of the witnesses)

1. (Names of the witness) Shri Rangnath M. Kamolrenkar.
Son of Shri Mahadev. Kamolrenkar resident of Kamolrem Mardol. Ponda.
(address of the witnesses from _____
(Place) _____ from the possession of.

a) (Name of the accused) Shri Rohidas Baburao Satarkar son of Shri Baburao. Satarkar. resident of A-14 Arla Queri Ponda Goa.

b) (Name of the accused) _____ son of _____
_____ resident of _____

The following Wildlife articles have been recovered and seized vide this seizure memo.

The seized items and their respective description are as under:-

3 Animals Elephant.

1. Babu – Male.
2. Laxmikumari - female.
3. Manki @ chanchal - female.

Name and Signature

Of seizing / Investigating Officer

Rohidas B Satarkar
Thumb Impression / Signature

Of the accused

Name and Signature of the Witnesses

1 Shri Tulshidas R. Satarkar.

Round-forester Ponda

2 Shri Rangnath M. Kamolrenkar.

SEIZURE MEMO

Today on 18.12.2018 at about 13.45 hr in the presence of the following witnesses namely

1. Name of the witness Shri Abdul Kadar Yasin son of Mohammed Kadar Yasin resident of Bazarwada Collem Goa (addresses of the witnesses)
2. Name of the witness Shri Mario Misquita son of Paulo Misquita resident Verna Salcette Goa addresses of the witnesses from Collem (place) ____ from the possession of elephant

a. (Name of the accused) Shri Sunil S. Gaonkar son of Sopan Gaonkar resident of c/o Manager Jungle Book Resort Collem

b. (Name of the accused) _____ son of _____ resident of _____

The following wildlife articles have been recovered and seized vide this seizer memo.

The seized items and their respective description are as follows:

1. Rekha (female) Elephant MIC No. 956000004529159
2. Sujata (female) Elephant MIC No. 956000004529114
3. Manik (male) Elephant MIC No. 961001000002966
4. Montora (female) Elephant MIC No. 961001000001085
5. Anmol (male) Elephant MIC No. 956000004529144

Sd/-

Name and Signature

Of Seizing / Investigating Officer

Name and Signature of the Witnesses

1. Shri Abdul K. Yasin
2. Shri Mario Misquita

Seizure / Panchnama

Today dated 18th December 2018 at 13.45 hr at Bazarwada Collem, Collem Range of North Goa Division search the premises of Shri Jospehn Baretto bearing Sy. No. 58/5 of Collem village named "Jungle Book Resort" in presence of the manager of Jungle Book Resort Shri Sunil Gaonkar with witness.

1. Shri Abdul Kadar r/o Bazarwada Collem Goa
2. Shri Mario Misquita r/o Verna Salcette Goa

And seized five captive elephant which are in violation of Section 40 (2), 42 & 43 of Wildlife (P) Act 1971 which are / have been taken into the forest custody under Section 50 (1) (c) of W.L. (P) Act 1972and further deposited with the Manager Shri Sunil Goankar as surety bond with the condition to take the custody of five captive elephants 1. Rekha (female), 2. Sujata (female), 3. Manik (male) , 4. Montora (female), 5. Anmol (male)and will produce before the Chief Wildlife Warden / Authorised officers/Range Forest officer, Collem Range as and when required by the final inquiry of the case.

Sd/-

(Sunil Goankar)
Manager Jungle Book Resort
PDA Shri Joseph Baretto

SEIZURE REPORT

1. Place: Near Sahakari Spice Farm Curti Sy. No. 76 Village Curti Taluka Ponda
   Date: 18.12.2018
2. R.O.C. No. 18/RFO/PON/2018-19/ dt 18.12.2018
3. Ground for seizure : Violation of Wildlife Protection Act 1972
4. Acts and Sections: Wildlife Protection Act 1972
   Sec 40(2), Sec 42, Sec. 43.
5. Persons from whom seized: Shri Balaknath Ganganath Maharaj @ Baban Gangaram Shinde and Shri Bhagwan Gangaram Shinde r/o At post Ravalgao Taluka Malegaon Dist Nashik Maharashtra
6. Witness: 1. Shri Tulshidas R. Satarkar s/o Shri Ramkrishna Satarkar r/o Amarkhane Querim
   2.Shri Raganath M. Kuncolienkar s/o Shri Mahadev Kuncolienkar r/o Kuncoliem Mardol Goa

7. Action Taken: 2 Animals (Elephant) are seized and kept in possession with one zonimoni female elephant with Shri Bhagwan Gangaram Shinde and other female name Lukhimala with Balaknath Ganganath Maharaj @ Shri Baban Gangaram Shinde

Than above mentioned 2 female elephants were seized in accordance with the provisions of the law in presence of the above said witnesses and copy of the seizure form was given to the person from whom seized.

The following two elephant5 were seized before the above witnesses and the signature of these witnesses has been obtained

Sr. No.	Name of the Animal	Male/female
1	Zonimoni	Female
2	Lukhimala	Female

Witness 1. Shri Tulshidas R. Satarkar

Signature

Witness 2. Shri Ranganath M. Kuncolienkar

Sd/-

Signature of the Investigation Officer

Name: Hanumant F. Dessai

Rank: Round Forester Ponda

SEIZURE MEMO

Today on 18.12.2018 at about |(time) 4.00 p.m. in the presence of the following witnesses namely

1. Name of the witness Shri Tulshidas R. Satarkar son of Shri Ramkrishna Satarkar resident of Amarkhane Querim (addresses of the witnesses)\
2. Name of the witness Shri Raganath M. Kuncolienkar son of Shri Mahadev Kuncolienkar resident of Kuncoliem Mardol Goa addresses of the witnesses from _____(place) ____ from the possession of

a. (Name of the accused) Shri Shri Balaknath Ganganath Maharaj son of Baban Gangaram Shinde resident of At Post Ravalgao Taluka Malegao Dist Nasik Maharashtra
b. (Name of the accused) Shri Bhagwan Shinde son of Gangaram Shinde r/o At post Ravalgao Taluka Malegao Dist Nasik Maharashtra

The following wildlife articles have been recovered and seized vide this seizer memo.

The seized items and their respective description are as follows:

2 Animals Elephant

1. Zonimoni Female
2. Lukhimala Female

Name and Signature

Of Seizing / Investigating Officer

Thumb impression / Signature

Of the accused

Name and Signature of the Witnesses

1. Shri Tulshidas R. Satarkar
2. Shri Raganath M. Kuncolienkar

Sd/-

Hanumant R.F. Desai

Round Forester Ponda

SEIZURE REPORT

1. Place: Arla Querim Sy. No. 149/3 Village Querim Taluka Ponda
   Date: 18.12.2018
2. R.O.C. No. 17/RFO/PON/2018-19/ dt 18.12.2018
3. Ground for seizure : Violation of Wildlife Protection Act 1972
4. Acts and Sections: Wildlife Protection Act 1972
   Sec 40(2), Sec 42, Sec. 43.
5. Persons from whom seized: Shri Rohidas Baburao Satarkar r/o H.No. A-14 Arla Querim Ponda
6. Witness: 1. Shri Tulshidas R. Satarkar r/o Amarkhane Querim
   2.Shri Raganath M. Kuncolienkar r/o Kuncoliem Mardol Goa
7. Action Taken: 3 Animals (Elephant) are seized and kept in possession with Shri Rohidas Baburao Satarkar r/o H.No. A-14 Arla Querim Ponda

Than above mentioned 3 elephants were seized in accordance with the provisions of the law in presence of the above said witnesses and copy of the seizure form was given to the person from whom seized.

The following animal elephant 3 nos were seized before the above witnesses and the signature of these witnesses has been obtained

Sr. No.	Name of the Animal	Male/female
1	BAbu	Male
2	Laxmi Kumari	Female
3	Maniki Chanchal	Female

Witness 1. Shri Tulshidas R. Satarkar

Signature

Witness 2. Shri Ranganath M. Kuncolienkar

Sd/-

Signature of the Investigation Officer

Name: Hanumant F. Dessai

Rank: Round Forester Ponda

SEIZURE MEMO

Today on 18.12.2018 at about |(time) 11.00 a.m. in the presence of the following witnesses namely

1. Name of the witness Shri Tulshidas R. Satarkar son of Shri Ramkrishna Satarkar resident of Amarkhane Querim (addresses of the witnesses)
2. Name of the witness Shri Raganath M. Kuncolienkar son of Shri Mahadev Kuncolienkar resident of Kuncoliem Mardol Goa addresses of the witnesses from _____(place) ____ from the possession of

a. (Name of the accused) Shri Rohidas Baburao Satarkar son of Shri Baburao Satarkar resident of A-14 Arla Querim Ponda
b. (Name of the accused) _____ son of _____ r/o _____

The following wildlife articles have been recovered and seized vide this seizer memo.

The seized items and their respective description are as follows:

3 Animals Elephant

1	BAbu	Male
2	Laxmi Kumari	Female
3	Maniki Chanchal	Female

Name and Signature

Sd/- Of Seizing / Investigating Officer

Rohidas B Satarkar

Thumb impression / Signature

Of the accused

Name and Signature of the Witnesses

1. Shri Tulshidas R. Satarkar
2. Shri Raganath M. Kuncolienkar

Sd/-

Hanumant R.F. Desai

Round Forester Ponda

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 7 OF 2020

WITH

LD-VC-OCW NO. 134 OF 2020
IN

PIL WRIT PETITION NO. 7 OF 2020

Peoples for Animals, Goa

Through its President, Ms.
Norma Alvares, Having its
office at G-8, St. Brittos Appts,
Feira Alta, Mapusa 403 507 .... Petitioner

V/s.

1 Principal Chief Conservator of
Forests Chief Wildlife Warden
(PCCF/CWW) Gomantak
Maratha Samaj Building,
Panjim, Goa 403 001.

2 The Goa Wildlife Board

Through its Member Secretary,
the PCCF/CWW At

Gomantak Maratha Samaj
Building, Panjim, Goa 403
001.

3 The State of Goa

Through its Chief Secretary
Assembly Complex, Porvorim
Goa

4 M/s. Jungle Book Resort
Bazarwado, Kulem,
Sharbandora, Colem, Goa 403
410

5 M/s. Sahakari Spice Farm
Ponda Belgaum Highway,
Curti, Ponda, Goa 403 001

6 M/s. Tropical Spice Plantation
H.No. A-14, Arla Bazar Keri,
Ponda, Kerim, Goa 403401

7 M/s. Sahyadri Spice Farm,
Piklewadi, Collem, Goa 403
410. ..... Respondents

Ms. Anamika Gode, Advocates for the petitioners/ Applicants.

Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional Government Advocate for the Respondent nos. 1, 2 and 3.

Mr. Vivek Rodrigues, Advocate for the Respondent no. 4.

Mr. A.D. Bhobe, Advocate for the Respondent no. 5.

Mr. A. Gosavi, Advocate for the Respondent no. 6.

CORAM : M.S. SONAK &
SMT. M.S. JAWALKAR, JJ.

DATE : 2ND NOVEMBER,2020.

ORAL JUDGMENT: (*PER M. S. SONAK, J.*)

Heard Ms. Anamika Gode, learned Counsel for the petitioners/applicants, Mr. Pangam, learned Advocate General for the respondent nos.1, 2 and 3, Mr. Rodrigues, learned Counsel for the respondent no.4, Mr. Bhobe, learned Counsel for the respondent no.5 and Mr. Gosavi, learned Counsel for the respondent no.6.

2. We issue a Rule in this petition. With the consent and at the request of the learned Counsel for the parties we make Rule returnable forthwith.

3. This is a PIL seeking following substantive reliefs :

(a) For an order by this Hon'ble Court directing Respondent no.1 to ensure that the commercial use of the elephants seized by the Forest Department vide Order dated 18/12/2018 is stopped forthwith;

(b) For an order by this Hon'ble Court directing Respondent no.1 and 2 to depute a large – animal Veterinarian along with a Forest Warden to do monthly reports on the upkeep and well being of the elephants;

4. In this PIL, the petitioners have taken out an application seeking following interim directions:

(i) For an order directing Respondent no.1 to conduct an inspection of all ten captive elephants in

Goa along with the petitioner, and the same may be repeated after a gap of four months;

(ii) For an order permitting a large-animal veterinarian/ elephant expert scientist to participate in the proposed joint inspection to technically assess the overall welfare of all ten elephants.

(iii) For any other reliefs this Hon'ble Court may be pleased to grant in this matter.

5. This petition basically concerns about 10 elephants presently in the custody of respondent nos.4, 5 and 6. The petition alleges that even though the State Forest Authorities have issued necessary orders for seizure of such elephants, the custody of such elephants continues with the respondent nos.4,5, and 6. The petition also expressed apprehensions about the possible use of these elephants for commercial

purposes, despite the seizure orders made by the State Forest Authorities.

6. The learned Advocate General submits that it is true that seizure orders have been made in this matter by the State Forest Authorities. He points out that the respondent nos.4, 5, and 6 have been permitted to retain the custody of the elephants, so that they are fed and maintained properly. He points out that the respondent nos.4, 5 and 6 have no right to use these elephants for commercial purposes. He points out that the State Forest Authorities have inspected the premises of the respondent nos.4, 5, and 6 and they found these elephants were not being used for any commercial purposes.

7. The learned Counsel for the respondent nos.4 ,5 and 6, on the basis of the instructions, state that the elephants are not being used for any commercial purposes and there is no

proposal to use these elephants for any commercial purposes like rides etc.

8. Mr. Bhobe, learned Advocate for the respondent no.5 points out that the Mahout of the elephant who is the actual owner of the elephants, who are presently in the premises of the respondent no.5.

9. According to us, now that it is clear that these elephants are not used for any commercial purposes and further, the learned Counsel appearing for respondent nos. 4,5 and 7, on the basis of the instructions, have also stated that the same will not be used for any commercial purposes, the main relief applied for in this petition, stands substantially redressed.

10. In the application for interim relief/directions, the petitioners seek an order of directing the respondent no.1 to conduct inspection of all the ten elephants by involving the petitioners as well, with the inspection. The petitioners also

seek an order permitting the large-animal veterinarian/elephant expert scientist to participate in the inspection to technically assess the overall welfare of all ten elephants. Along with the application, the petitioners have annexed a communication dated 29/11/2020 received from Surendra Varma, Senior Scientist, Asian Elephant Research and Conservation Centre (ANCF). This states that the said expert is willing to come along with his team to inspect the ten captive elephants at their own cost.

11. The learned Advocate General states that the Goa State Forest Officials, neither have any objection to holding of inspection nor the association of ANCF in such inspection. The learned Counsel for the respondent nos.4,5 and 6 also state that they have no objection to inspection of this nature.

12. Accordingly, we direct the State Forest Authorities to inspect the ten captive elephants at the earliest and further,

associate ANCF and its Senior Scientist Surendra Varma and his team in such inspection. The State Forest Authorities and ANCF to work out the modalities of this inspection including date, time etc. In case any representative of the petitioners wish to remain present for such inspection, liberty is granted. Representatives of the respondent nos.4,5, and 7 are also, naturally, permitted to remain present for such inspection. This entire exercise had to be concluded as early as possible, and in any case, within two months from today. Depending upon the result of the inspection, we are assured that the State Forest Authorities will take necessary steps to ensure the welfare of these elephants.

13. We make it clear that ANCF is associated for the inspection or in future inspections of these captive elephants at their own cost and expenses. This means that neither the State Forest Authorities nor the respondent nos.4, 5, and 6 will be

required to make any contribution towards such inspections at least for the present.

14. We appreciate the reasonable approach on the part of all concerned in this matter. In particular, we appreciate that the respondent nos.4,5, and 6 have not treated this matter as an adversarial litigation and have assured this Court that they too have interest in securing the welfare of the elephants.

15. We dispose of the Rule in this petition in the aforesaid terms. The miscellaneous application is also disposed of. There shall be no order as to costs.

16. All concerned to act on the basis of the authenticated copy of this order.

SMT. M.S. JAWALKAR, J. M.S. SONAK, J.

MV

ANNEXURE 5

Extract of Dr. Surendra Varma Committee Report on Captive Elephants in Goa, dt. 16.02.2021

Summary of the Findings of Inspection dated 9th, 10th, 11th December directed by High Court of Goa order dated 2nd November 2020.

In Public Interest Litigation (PIL) 7 of 2020, ***People for Animals***, Goa **(PFA)** had sought an end to the commercial use of the captive elephants of Goa. By order dated 2nd November 2020, the Hon'ble Goa High Court directed an inspection to be conducted by a team of experts led by Shri Surendra Varma, Senior Scientist, Asian Elephant Research and Conservation Programme - ANCF, Member IUCN/Asian Elephant Specialist Group, Member of the Central Project Elephant Monitoring Committee (CPEMC), Ministry of Environment Forests and Climate Change (MoEF&CC) Government of India.

The Court further directed that based on the result of the inspection, the Forest Department must take necessary steps to ensure the welfare of the elephants in Goa. Below are point-wise, observations,summary and recommendations of the detailed scientific report.

1. **Sahakari Farm, Ponda:**
   A. Lakhimala (54): was deceased.
   B. Janimani, Female(34)
      i. Elephant movement was restricted to only to 4X4m area as her hind legs are chained with a rope for 19 hours a day.
      ii. The make-shift shelter also did not provide adequate shade and was not wide enough for the animal to move around.
      iii. Water is offered through a water pipe. There is no auditory or visual cue to trigger the elephant to drink voluntarily. This makes the elephant stay thirsty, waiting for the mahout, which is observed by its reaction of eagerness and rushing behaviour towards the mahout with water pipe.
      iv. The elephant was fed six species of fodder and cut plants and 2 grain-based cooked food, with no other variation throughout the year.
      v. She is obese, has cracks on two nails in her hind leg, swelling at both side of the abdomen, cuticle growth on 18 digits. These are all visible warning signs of bad health.
      vi. The animal is made to walk on tarred roads most of the time and does not get to free range.
      vii. There is no interaction with any other elephants from other farms at any time of the year,. Lack of such interactions is known to create many mental health issues.
      viii. Stereotypic[1] behaviour like swaying, foot lifting and trunk swinging was also recorded which is a behaviour exhibited due to stress, boredom, social isolation etc.
      ix. For a social and intelligent species which constantly moves while foraging—standing, feeding, resting and sleeping in the same place for 19 hours a day will affect their psychological and physical well-being, coupled with isolation and intense confinement.
      x. Janimani appeared to be used for work like blessing at marriages, temple work, and joy rides. It was noticed that there were visitors parking close to elephant shed to visit the animal. Safari equipment like howdah and cushioning materials were

[1]Stereotypies are repetitive or ritualistic movement, posture, or utterance.

also observed to be kept at the mahouts' room which confirmed the use of this elephant for joy rides.

C. **Sahakari Welfare Rating**:
   i. Observed rating of 30 at 55% deviation from Expert Rating standards.
   ii. Sahakari has a **poor** rating of welfare because of inadequate "*shelter type, water source, no opportunity for interaction; occurrence of stereotypical behaviour, no foraging opportunity, used for unnatural work type and health status maintenance through blood/urine/dung sampling was absent*."

D. **Recommendations**:
   i. Janimaniis in solitary confinement and intensely lonely. She therefore needs to be with other elephants in a herd.
   ii. **She needs to go for walks in a natural environment**, on a suitable surface, exposed to a range of foraging opportunity, **play and interact with other elephants.**
   iii. Given her current status, and lack of good welfare measures available at the current location (55% deviation from the natural conditions), she needs to be relocated and integrated with elephants from Jungle Book or Tropical Farm.

2. Tropical Spice Farm, Ponda:

A. Lakshmi Kumari (70): deceased

B. Babu, Male (69): (was in musth during the inspection)
   i. He s**uffers from wounds due to close and tight shackling andovergrown cuticlesnoticed in 18 digits.**

C. Chanchal, Female (54)
   i. **She suffers from obesity, swelling at hind leg knee, cuticle overgrowth in 18 digits along with interdigital overgrowth.**
   ii. Though the elephant is sheltered in an area of 12X9meter, it is tied on 3 sides with a rope limiting its movement to 5X9meter area
   iii. Stereotypic behaviour like swaying, foot lifting and trunk swinging was also recorded which are exhibited due to stress, boredom, social isolation etc.
   iv. Continuously standing for 19 hours in the same place for feeding and resting might not only lead to poor psychological well-being and stereotypies but also lead to musculoskeletal disorders and arthritis.
   v. As the elephant is tied for long duration, inflammation and wounds around the tied region of hind leg was observed. This acts as potential passage for pathogens.
   vi. She is allowed to interact with the male for only 5 hours a day during activities such as walking and bathing. However, as male elephant is currently in musth, no interaction is allowed between the two elephants.

D. **Tropical Welfare Rating**:
   i. Observed rating of 29-30 at 51% deviation from Expert Rating standards.
   ii. Overall welfare rating is **poor**; because ofshelter and substrate type in shelter, male elephant was hobbled, both elephants exhibited stereotypy, were not allowed to forage and records were not maintained.

E. **Recommendations**:
   i. Elephants kept here are tied up for long hours, both elephants have stereotypical behaviour and the farm does not have free range opportunity for elephants.

ii. Using the large space available with this farm, it is recommended to convert the entire elephant holding facility into a large pen, with elephants freely socializing and living in it, without being chained/tied to a rope all the time.

3. **Jungle Book, Collem:**Compared to the other two farms, this particular farm appeared to be more organized, providing facilities such as shelter, food, water, means to free range etc. However, the land used for free ranging appeared to be under private holding and the same may not within the control of the owner. This may question the long term sustenance and availability for elephants for their free ranging purpose. No stereotypies were observed for female elephants and the young elephant of Jungle Book Farm. Welfare rating for Jungle Book Resorts showed less deviation from Expert Rating as their facility provided near natural conditions.
   A. Individual Elephants:
      a. Manik, Male (53): (was in musth during the inspection)
      b. Rekha
         i. Elephant Rekha is always alone ; she does not have nteractions with other elephants. In fact, she exhibits conflict with other females.
         ii. She has dried skin tissues with hind knee problems.
      c. Sujatha
         i. Sujatha has dried skin tissue with hind knee problems.
      d. Aromal
         i. Exhibited stereotypic behaviour in shelter in the morning hours.
         ii. He is exposed to female elephants for 14 hours every day. He is observed to be in close distance to the females constantly exploring their genitals, rubbing their bodies, and poking them with the tusks. This continuous exposure leads to an interest in recreational mating which is not seen in the wild. This is known to have many negative effects and affects many of his welfare conditions.
      e. Montora
         i. Montora has nail cracks on 2 nails in hind legs and cataract in left eye.
      f. Dumbo: (Born at Jungle book in 2019, from Aromal and Sujatha.)
         i. The calf has to be trained as it is observed to get playful and often pushes people. This young animal has no other members to play with unlike in the wild, it is expected to display behavioural issues at a later stage.
         ii. Calf welfare is very crucial and the same has to be done for long duration as the life span of an elephant is averaged at approximately 60 - 70 years. This necessitates a plan for next sixty years of captive elephant welfare in the state by the concerned authorities.

4. **Recommendations:**
   A. Immediate:
      i. Unrestricted movement is an absolute necessity in providing good welfare conditions; if individuals do not form a cohesive group, I-Beam fenced enclosures with sufficient space have to be provided so that they can interact visually and audibly across a distance.
      ii. Elephants, the extent possible, must live a chain free existence, with opportunity to display their natural behaviours.
      iii. Foraging opportunity needs to be provided with care taken to include a balanced nutrition— foraging is both a psychological stimulant and a physical exercise.

iv. Male Elephants in*musth*should be kept in a special*musth* enclosure, which has a large space, facilities and free from chaining or restraining.
v. All enclosures must include provision of natural shelter conditions such as varied substrates (soil, occasional hard substrates) that ensure healthy foot conditions—trimmed nails, soles that enable traction— are maintained.
vi. Presence of canopy cover provides shade as required by the elephants as opposed to sheds which may be restrictive in their accessibility to the animals.
vii. Running water sources such as streams are ideal as they prevent contamination. In the absence of such facilities, the alternative would be to provide several water sources across the facility and ensure hygiene is maintained
viii. Walking elephants on roads or stone surfaces leads to cracked soles and infections. This also may lead to inflammation of joints. The shelter has to provide natural substrates which not only ensures feet health and have provision for the elephants to express natural behaviours such as dust bathing and wallowing.
ix. Social interaction among unrelated individuals, especially female elephants, revolves around dependent young; using the calf as a focal point, females can be encouraged to form a cohesive herd

B. *Short Term:*

i. Jungle book is recommended to increase the space and improve the facility provided to the elephants during the night hours or when elephants come after free ranging to their shelter. Elephants from other two farms may be brought together in this facility, as this facility is providing many of the required welfare standards and also showing relatively good welfare rating.

C. *Long Term:*

i. The State Forest department is recommended to develop a long-term management plan that would guarantee safe and permanent welfare arrangements for the elephants. In the long term, the Forest Department needs to develop a centre withnecessary facilities, so that all the elephants can be moved to a permanent location. The current custodians, welfare personnel, elephant scientists, responsible citizens and conservationists are to be considered as the support group and stakeholders for this arrangement.

I hereby certify that the content of the summary findings are extracts of the final report, I developed and submited to the Hon'ble Goa High court, based on the direction I received from the Court.

(Surendra Varma)

ANNEXURE 6

Gmail

Fwd: Elephant Rehabilitation

From: "Norma Alvares (PFA)" <pfagoa@gmail.com>
Date: 11 January 2022 at 11:07:55 IST
To: Santosh Kumar <apccf.goa@gmail.com>
Cc: Alok Gupta <galok2005@gmail.com>
Subject: Elephant Rehabilitation

Mr. Santosh Kumar
Chief Wild Life Warden,
Swami Vivekanand Road,
Panaji, Goa 403001

Subj: Commercial Exploitation of Elephants by Sahakari Farm and Tropical Spice Plantations

-

Dear Mr. Santosh Kumar,

I am writing to you in continuation of our ongoing correspondence on measures for the welfare of captive elephants in Goa.

We have received several complaints from local activists and tourists, that despite several high court and supreme court orders as well as undertakings of the owners of Sahakari Spice Farm and Tropical Spice Plantation, elephant rides have surreptitiously resumed at both these venues.

The Forest Dept has already seized these elephants in December 2018, and is therefore responsible for their management while in your custody. No commercial use of them for entertainment is permitted. The best solution is for the forest department to take the elephants away from the two custodians and house them in a dedicated Elephant Care Facility (ECF), ideally within Goa itself.

Our discussions with you to establish an ECF have admittedly been positive but have reached a stalemate, as we await the MOU from the Forest Dept. Karnataka with WRRC (the Bangalore based NGO who has expertise in elephant care). We hope that this situation will be resolved soon in the light of recent communications received by us from WRRC.

In the interim, we kindly request you to take the following steps on an urgent basis:

i. Please investigate this complaint immediately and depute forest wardens to permanently stop the use of three elephants in Sahakari and Tropical Spice Farms for entertainment.

ii. If the two spice resorts are raising issues about maintenance of the animals in the absence of entertainment programmes which sustain them, kindly examine setting up a temporary facility to house them – maintenance funds for which WRRC has offered to provide in the Expression of Interest which they have submitted to the Forest Dept in 2021.

We thank you for your visionary support in ensuring the welfare of the elephants and urge you to take swift, necessary action, especially as we do not wish Jungle Book to also resume elephant rides and entertainment, seeing that no action is being taken against the other two spice resort farms.

Kind Regards,

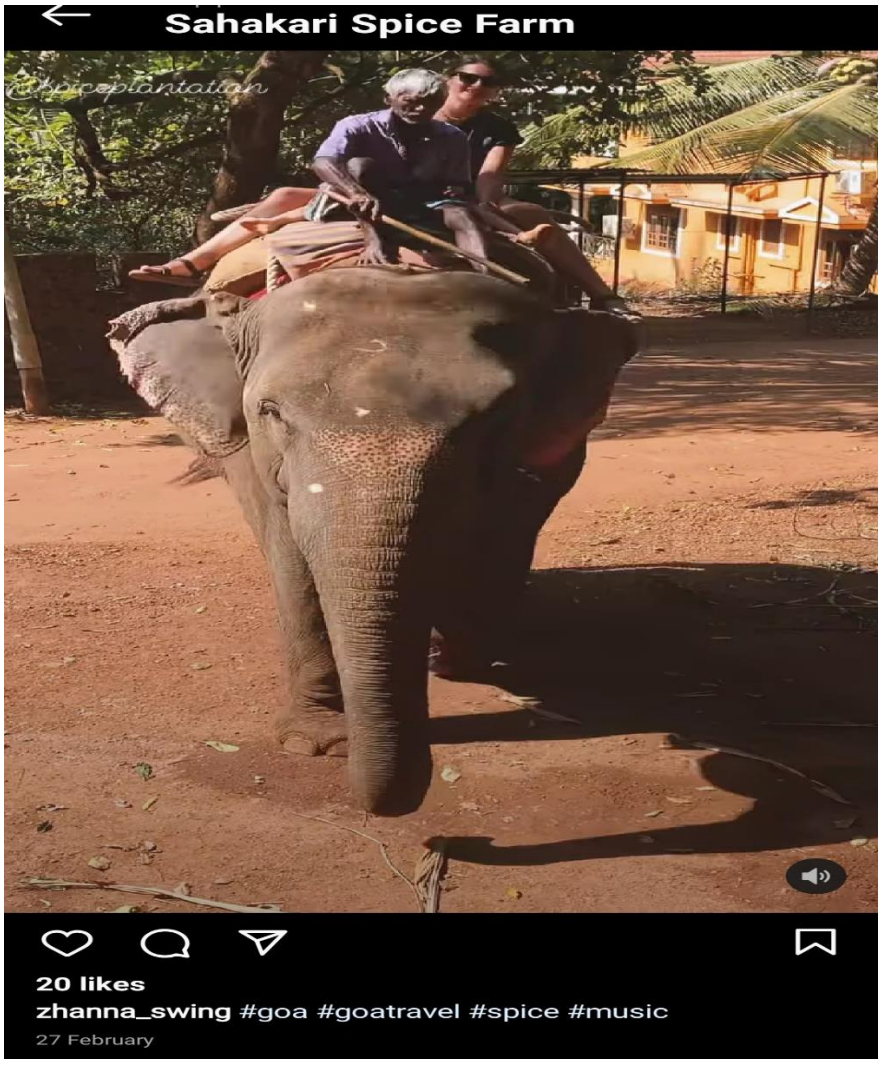
Ms. Norma Alvares

ANNEXURE 7 COLLY

Photographs of Elephant Rides & Showers at:

1. Sahakari Spice Farm, Ponda

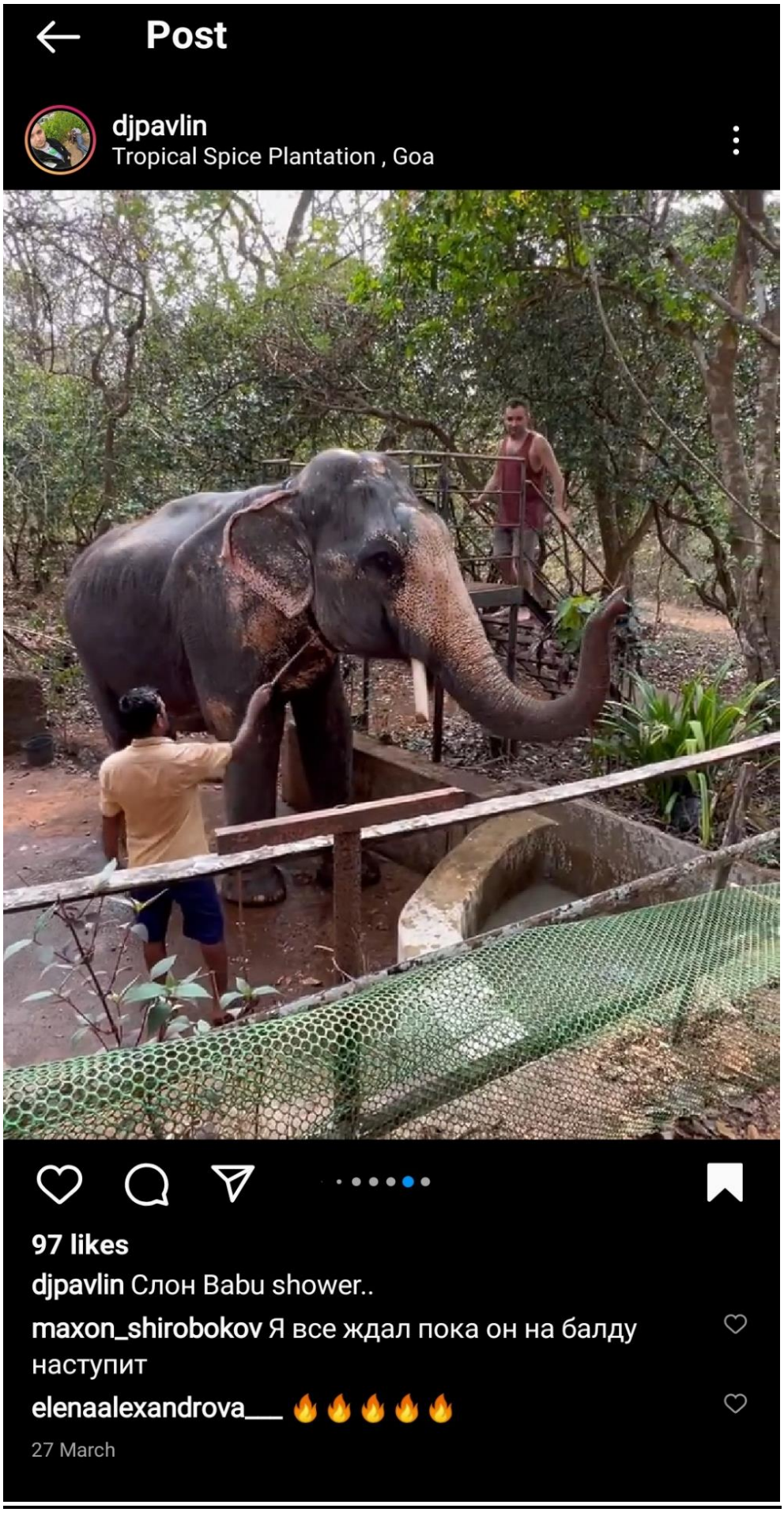
Photographs dt. 07th April 2022



Photograph dt. 27th February 2022

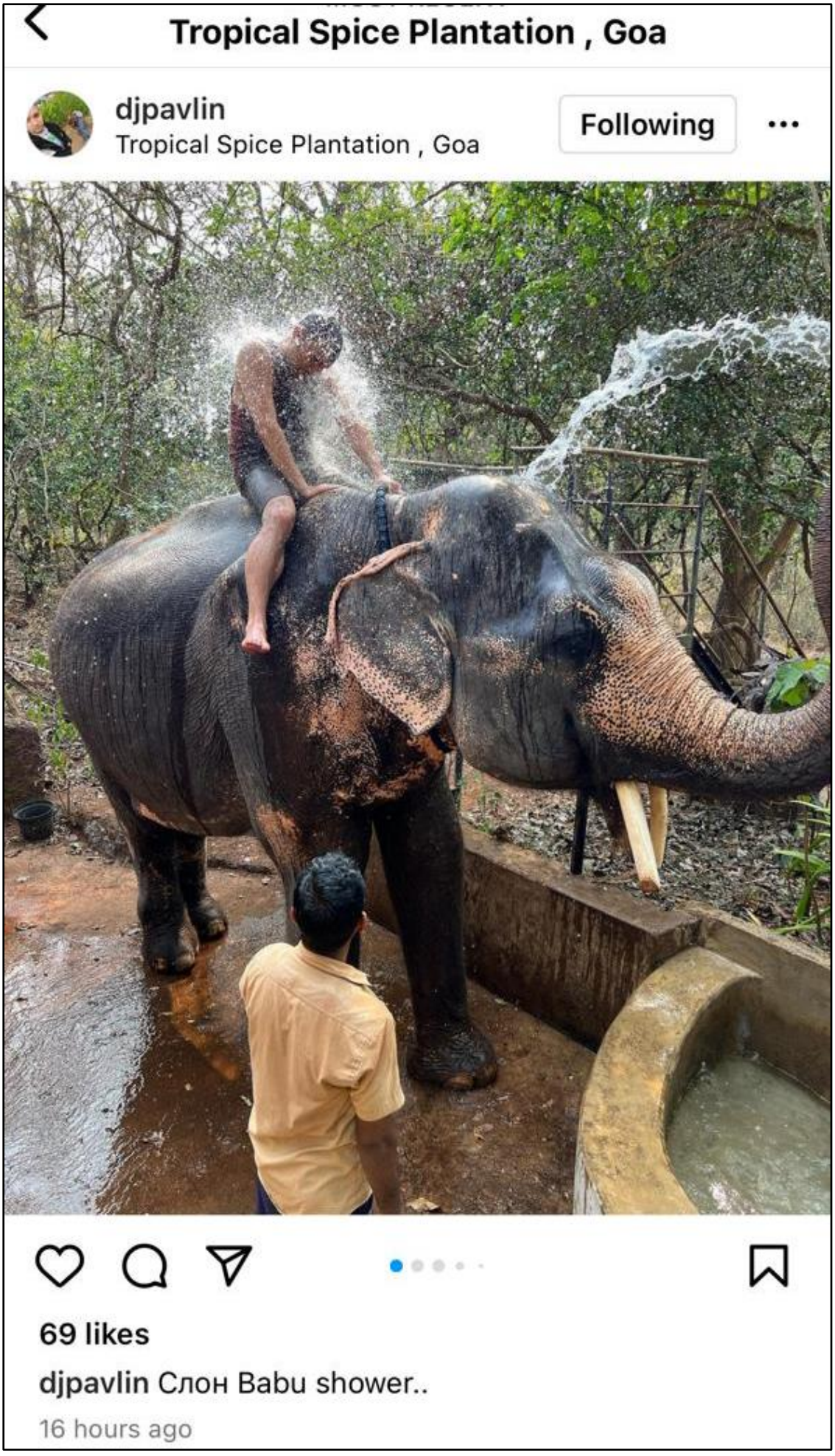
2. Tropical spice Plantation, Ponda

Photograph dt. 27th March 2022

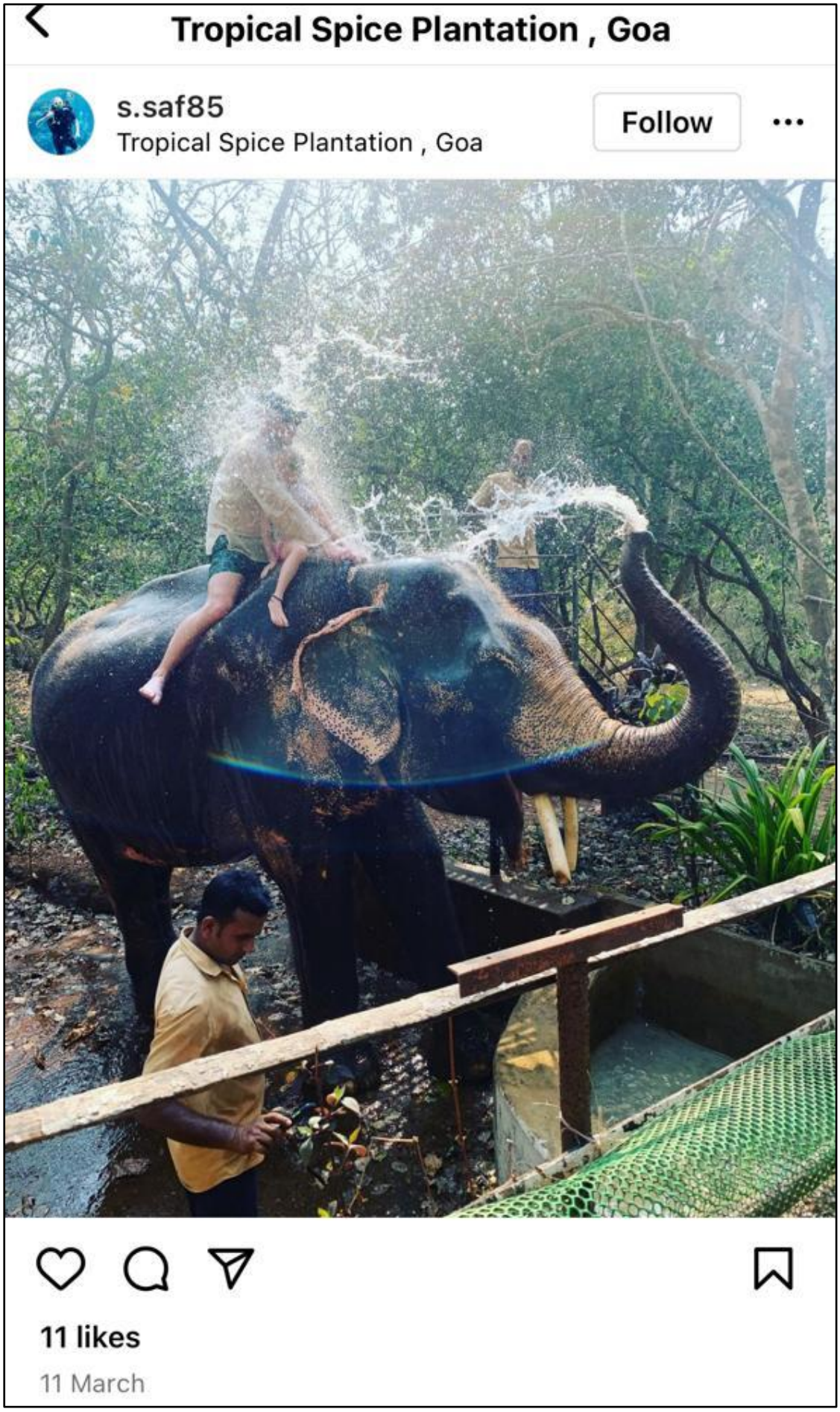


Photograph dt. 27th March 2022

Photograph dt. 27th March 2022



Photograph dt. 11th March 2022



Photograph dt. 02nd March 2022

ANNEXURE 8

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH, AT PORVORIM

P.I.L. W.P. No. /2022

People for Animals – Goa …**Petitioner**

v/s

The Principal Chief Conservator
of Forests & Chief Wildlife Warden and Ors.
…**Respondents**

AFFIDAVIT OF KARLETTE ANNE FERNANDES

I, Karlette Anne Fernandes, Indian national, major of age, daughter of Merwyn Anthony Fernandes, resident of H.No. 1281, Lilwyn Mansion, Khursa Vaddo, Carona, Bardez, Goa – 403523, INDIA, do hereby solemnly affirm and state on oath as under:

1. That I am a veterinarian and an animal welfare worker based in Goa.

2. That on 7th April 2022, around 11 am, I visited Sahakari Farm in Ponda with a friend called Dawalsab Belgayer to see and confirm whether they were using elephant Janimani, also known as Tejal, for commercial rides as had been reported to me.

3. Upon reaching the farm I inquired about the elephant ride and I was encouraged and informed to access the elephant ride from the back road behind the farm.

4. My friend and I travelled through the back road and saw elephant Janimani, who was being referred to as Tejal by the two mahouts.

5. They offered to provide a 10 minute ride to us on the elephant for Rs. 700 per person.

6. While we waited, a father-son duo were riding the elephant. At some stage, during the ride, the elephant out of stress turned around abruptly. Both mahouts screamed angry commands at the elephant and hit her with bamboo sticks. The elephant squealed a bit and then turned around and continued the walk on the tar road.

7. As soon as the two tourists got off, I was instructed on how to sit onto the elephant, and hold onto the thick ropes around the jute seat cushioned with a thin layer of straw.

8. The Mahout rode the elephant by nudging her behind the ears with his toes and a light tap with a bamboo stick.

9. I was terrified of being on the elephant without a helmet or any safety gear, walking on a hot tar road.

10. Apart from knowing the fact that the ride is illegal, I did it to capture evidence of the ride. In less than three minutes, I asked to stop the ride as I was terrified.

11. The Mahout riding the elephant demanded a tip, so I handed over 50 rupees. On getting off the ride, I was asked to pay Rs. 700 to the Mahout standing on the ground. I asked for a printed ticket, but they did not provide one.

12. Elephant Janimani/Tejal looked stressed and not well. She had watery eyes, a hanging belly and a soggy sore patch on her left hip. Many of her nails were cracked.

13. She had a metal brace chained with spikes around her right hind leg, which was attached to a heavy-duty rope while she was made to stand.

14. There was no water trough visible near the elephant, where she was tied. A flimsy plastic sheet made some shade in the mid-day scorching heat.

15. While I was leaving around noon, I saw many more tourists arriving at the Spice Farm and I presume many of them would opt to ride Janimani and she would probably work through the day and have another 30-50 people ride her in the same day.

VERIFICATION

I, KARLETTE ANNE FERNANDES, daughter of MERWYN ANTHONY FERNANDES, on solemn affirmation and oath state all the facts stated in paragraphs 1 to 15 are correct to the best of my knowledge and belief and nothing is false or concealed. The contents being true I swear this affidavit.

Deponent

Before me:

ITEM NO.1 COURT NO.4 SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.19 of 2015 in Writ Petition (Civil) No.743 of 2014

WILDLIFE RESCUE AND REHABILITATION CENTRE AND OTHERS — Petitioner(s)

VERSUS

UNION OF INDIA AND OTHERS — Respondent(s)

(For directions and office report)

Date: 02/02/2016 This application was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Ms. Aparna Bhat, AOR
Ms. Shibani Ghosh, Adv.
Ms. Raj Kumari Banju, Adv.

For Respondent(s)
Mr. K. Parameshwar, AOR

Mr. Ajit Sharma, AOR

Mr. A. Raghunath, AOR

Mr. Balaji Srinivasan, AOR

Mr. B. Balaji, AOR

Mr. Devendra Singh, AOR

Mr. Gopal Singh, AOR

Mr. R. Basant, Sr. Adv.
Mr. Jogy Scaria, AOR
Ms. Beena Victor, Adv.
Mr. Robin Jacob, Adv.

Signature Not Verified
Digitally signed by Sanjay Kumar
Date: 2016.02.02 17:00:36 IST
Reason:

Mr. K. Rajeev, AOR

Gp. Capt. Karan Singh Bhati, Adv.
Mr. Adarsh Kr. Tiwari, Adv.
Mr. T. Gopal, Adv.
Ms. Ruchi Kohli, AOR

Mr. Sidharth Luthra, Sr. Adv.
Ms. Supriya Juneja, AOR
Mr. Sameer Chaudhary, Adv.
Mr. Viraj Gandhi, Adv.
Ms. Mehaak Jaggi, Adv.

Mr. Vishnu Shankar Jain, Adv.
Ms. Mukti Chaudhary, Adv.

Mr. Rana Mukherjee, Sr. Adv.
Ms. Movita, Adv.
Mr. Sarfraz Ahmad Siddiqui, Adv.
Mr. S.N. Terdal, Adv.

Mr. Arjun Vinod Bobde, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Mr. Arjun Vinod Bobde, learned counsel, submits that he has instructions to appear for the State of Goa. Let him file Vakalatnama within a week and the response to the application within three weeks hence.

It is submitted by Ms. Aparna Bhat, learned counsel appearing for the petitioner that there are two resorts in the State of Goa, namely, Jungle Book and Tropical Spice Plantation, which provide for recreation for the tourists by engaging elephants, who are meted with cruelty. She has brought to our notice the photographs that have been annexed to the application. The prayer in the interlocutory application is to direct the Chief Wild Life Warden, Government of Goa, to see that the elephants are not treated with cruelty, apart from other prayers. Learned counsel

would urge that a report should be called from the Animal Welfare Board of India in this regard.

Let the two resorts be impleaded as the respondents in this application. Learned counsel for the applicant shall file the amended Cause Title within two days hence. The Registry shall issue notice to the said newly added respondents immediately, fixing a returnable date within four weeks.

Mr. Ajit Sharma, learned counsel appearing for the Animal Welfare Board of India, undertakes to file the report within three weeks.

Having heard learned counsel for the parties, we are, as advised at present, only inclined to direct that the Chief Wild Life Warden, Goa, shall ensure that the elephants who are engaged in these two resorts are not treated with any kind of cruelty in any manner. Be it clarified, whether such resorts can keep the animals or not, shall be dealt with at a later stage.

Let the matter be listed on 29th March, 2016.

I.A. No.11 of 2015 in W.P.(C) No.743 of 2014

On mentioning, the interlocutory application is taken on Board.

This is an application for intervention. Regard being had to the stand put forth by the applicant, the prayer stands allowed.

The interlocutory application is, accordingly, disposed of.

I.A. No.....of 2016 in W.P.(C) No.743 of 2014

On mentioning, the interlocutory application is taken on Board.

It is submitted by Mr. Sidharth Luthra, learned senior counsel appearing on behalf of the applicant that the said application is for directions and not for intervention. Regard being had to the same, Registry is directed to register the said application and issue notice, as directed on the earlier occasion.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master